

ZEFF LAW FIRM, LLC
Gregg L. Zeff, Esquire, #52648
Eva C. Zelson, Esquire, #320699
100 Century Parkway, Suite 305
Mt. Laurel, NJ 08054
(856) 778-9700
gzeff@glzefflaw.com

Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LISA SALVATO 729 Bergen Street Philadelphia, PA 19111 <i>Plaintiff,</i>	CIVIL ACTION
v.	NO 19-2079
CITY OF PHILADELPHIA One Parkway Bldg., 14 th Floor 1515 Arch Street Philadelphia, PA 19102	JURY TRIAL DEMANDED
AND	
POLICE COMMISSIONER RICHARD ROSS One Parkway Bldg., 14 th Floor 1515 Arch Street Philadelphia, PA 19102 <i>Defendants.</i>	

AMENDED COMPLAINT

Plaintiff Lisa Salvato, by and through her attorneys Zeff Law Firm, LLC, hereby brings this **Amended** Complaint against the Defendants, the City of Philadelphia and Police Commissioner Richard Ross. **All changes from the original complaint are in bold.**

PARTIES

1. Plaintiff Lisa Salvato ("Plaintiff") is an adult individual who resides at the above-listed address.
2. Defendant City of Philadelphia ("Defendant City") is a municipality with offices located at the above-listed address.
3. Defendant City employed Plaintiff during all times relevant herein.
4. Defendant Police Commissioner Richard Ross ("Defendant Commissioner") has been the Commissioner of the Philadelphia Police Department since 2016. As Commissioner and in his prior role(s) within the Police Department, Commissioner Ross is responsible for promulgating and enforcing all policies, customs and practices of the City Police Department.

JURISDICTION AND VENUE

5. Jurisdiction is properly laid in this Court as all Defendants are subject to personal jurisdiction in the state of Pennsylvania. **Plaintiff received a Right to Sue Letter from the EEOC (attached hereto as Exhibit "A") and has timely filed this complaint.**
6. All acts and omissions complained of herein occurred in Philadelphia County, Pennsylvania.

STATEMENT OF FACTS

7. Plaintiff is a current Police Officer for Defendant City. Plaintiff has been employed in that capacity since at least 2012.
8. Plaintiff is qualified for her position, and performs well.

9. In or around 2013, Plaintiff began being subjected to sexual harassment at work. Plaintiff complained about this harassment and was thereafter subjected to retaliation by Defendant City.
10. Plaintiff filed a lawsuit against Defendant City alleging sexual harassment and retaliation.
11. In or around July of 2014, Plaintiff and Defendant City agreed to settle Plaintiff's lawsuit.
12. As a condition of settlement, Defendant City agreed to transfer Plaintiff to the Major Crime Unit.
13. On July 9, 2014, Plaintiff reported to the Major Crime Unit. Plaintiff was immediately told by new coworkers that they had heard about her lawsuit.
14. In or around mid-July of 2014, a new captain, Roland Lee ("Lee") began working at the Major Crime Unit.
15. On his first day of work, Lee approached Plaintiff and said "I know who you are and how you got here".
16. Following this, Lee continually harassed Plaintiff about various issues because Plaintiff had filed a discrimination lawsuit.
17. In or December 2014, Plaintiff approached Lee about a possible internal promotion. Lee responded "[a]s long as I am captain, you aren't going anywhere. If you don't like it, transfer out".
18. Following this comment, Lee continued to harass Plaintiff, and frequently ordered Plaintiff to put the names of other employees on her work so that they got credit for the work.
19. In or around February of 2017, Lee ordered Plaintiff to move her desk to an isolated location.

20. On November 11, 2017, Plaintiff was walking into the building where she worked when a supervisor sped up behind her in his car, forcing Plaintiff to jump out of the way of the speeding car. This incident caused Plaintiff to fear for her life.
21. Immediately following the incident, Plaintiff's supervisor began laughing and bragging that he had "scared" her.
22. Plaintiff had a severe physical reaction to the stress caused by the incident, such that she had to leave work.
23. On November 13, 2017, Plaintiff reported that her supervisor had purposefully almost run her over with his car.
24. Both Lee and Plaintiff's supervisor harassed and berated her for reporting the incident. Plaintiff's supervisor called her an "asshole".
25. In or around July of 2018, Plaintiff was loudly and publicly berated by a coworker.
26. In or around July of 2018, Plaintiff was subjected to fabricated disciplinary charges.
27. On July 16, 2018, Plaintiff filed a Charge with the Equal Employment Opportunity Commission ("EEOC") alleging race and sex discrimination and retaliation.
28. On July 31, 2018, Plaintiff was taken off a case she had been working on for almost two (2) years.
29. The fabricated discipline against Plaintiff is currently pending and could lead to her termination.
30. Defendant City, at the time Plaintiff was sexually harassed and retaliated against and for many years prior, has and had a well settled practice of sexual harassment and retaliation pervading the police department. See, *Vandegrift v. City of Philadelphia*, No. 16-2999 (Opinion of the Honorable Mark A. Kearney, 1/11/17.)

31. Among other things, Defendant City's Police Department maintains a grossly sexist culture in which male employees who engage or engaged in inappropriate sexual conduct are protected.
32. Male employees of all ranks in the Philadelphia police department on a weekly basis barrage female officers with demeaning sexist comments and conduct.
33. Among other things, Defendant City's Police Department's culture, policies and practices protect sexual harassers and cover up sexual abuse by officers.
34. Among other things, Defendant City Police Department retaliates against female officers that make complaints related to sex.
35. The Defendant City's well settled practice of sexual harassment and retaliation pervading the police department encouraged, empowered and permitted Defendant City's employees to retaliate against Plaintiff because of her complaints.
36. Defendant City's policymakers were deliberately indifferent to the well-settled practice of sexual harassment and retaliation pervading the police department.
37. Defendant City's policymakers were deliberately indifferent to the need for proper training and discipline of police officers regarding sexual harassment and retaliation.
38. **Defendant City's well settled practice of sexually harassing and retaliating against female officers was and is a substantial reason for the discipline and harassment she is currently enduring.**
39. **Since the filing of the complaint in this matter, as of May 21, 2019 Plaintiff was transferred, as harassment and in retaliation for her complaints, to Southwest Detectives.**

40. This transfer is punitive and retaliation. Defendant City know at the time of the punitive transfer s that Plaintiff is a single parent of a child with serious disabilities that require weekly treatment and that she must be picked up and dropped off by Plaintiff from school as a result of her issues.
41. Southwest Detectives is the exact location that the Plaintiff in Vandergrift was transferred to and further harassed in retaliation for her complaints.
42. The Defendant City knew at that the time of the transfer and ongoing, that the transfer creates an unstable, unsafe environment for Plaintiff's daughter at a crucial time in her therapy.
43. The Defendant City knew at the time of the transfer and ongoing, that Plaintiff's former positon in Gun Permits allowed her the time and schedule to care for her daughter.
44. The Defendant City knew at the time of the transfer and ongoing ng that Plaintiff's supervisor's in Gun Permits were at least satisfied with her performance and did not want her transferred.
45. The Defendant City knew at the time of the transfer and ongoing that Plaintiff's commute to Gun Permits was about 20 minutes and permitted her to make her daughter's medical and other appointments.
46. The Defendant City knew at the time of the punitive transfer that Southwest Detectives is over an hour commute for Plaintiff and that she would not be able to

make her daughter's appointments with the Southwest Detective schedule and location.

47. Despite this knowledge and requests by Plaintiff for an accommodation or transfer back to Gun Permits, Defendant City.

48. Defendant City's refusal to accommodate of transfer Plaintiff to an assignment that allows her to care for her child is retaliation for the filing of this lawsuit, because of her past complaints and because she is a woman.

COUNT I

Plaintiff v. All Defendants Violation of 42 U.S.C. § 1983 (Monell) Unconstitutional Policy, Practice or Custom

49. Plaintiff incorporates the preceding paragraphs of this Complaint as if same were set forth herein at length.

50. 56. As a result of Defendants' Constitutionally infirm policies, customs and practices described above, Plaintiff has been deprived of her pursuit of Life, Liberty and Happiness, Due Process and other Constitutional Rights in violation of the Fourth and Fourteenth Amendments.

WHEREFORE, Plaintiff demands judgment against Defendants in an amount in excess of \$100,000.00 plus interest, costs, attorney's fees.

COUNT II

Plaintiff v. Defendant City Violation of Title VII of the Civil Rights Act of 1964: Retaliation

51. Plaintiff incorporates by reference each allegation contained in the preceding paragraphs as if the same were set forth more fully at length herein.

52. Plaintiff engaged in activity protected by Title VII.

53. Plaintiff filed a lawsuit alleging discrimination

54. Thereafter, Defendant took adverse employment actions against Plaintiff, including, but not limited to, causing her to think she was being violently run over and fabricating discipline against her.

55. There exists a causal connection between Plaintiff's participation of the protected activity and the adverse employment actions.

WHEREFORE, Plaintiff demands judgment against Defendants in an amount in excess of \$100,000.00 plus interest, costs, attorney's fees.

COUNT III

Plaintiff v. Defendant City

The Pennsylvania Human Relations Act: Retaliation

56. Plaintiff incorporates by reference each allegation contained in the preceding paragraphs as if the same were set forth more fully at length herein.

57. Plaintiff engaged in activity protected by the Pennsylvania Human Relations Act.

58. Plaintiff filed a lawsuit alleging discrimination.

59. Thereafter, Defendant took adverse employment actions against Plaintiff, including, but not limited to, causing her to think she was being violently run over and fabricating discipline against her.

60. There exists a causal connection between Plaintiff's participation of the protected activity and the adverse employment actions.

WHEREFORE, Plaintiff demands judgment against Defendants in an amount in excess of \$100,000.00 plus interest, costs, attorney's fees.

COUNT IV
Plaintiff v. Defendant City
First Amendment

61. Plaintiff incorporates by reference each allegation contained in the preceding paragraphs as if the same were set forth more fully at length herein.
62. Plaintiff filed a complaint alleging violations of Title VII.
63. In response to the complaint, Defendant City transferred Plaintiff and refused to move Plaintiff to an assignment that would accommodate her disabled child as described above.
64. The actions of Defendant City violate the First Amendment through 42 U.S.C. § 1983
65. WHEREFORE, Plaintiff demands judgment against Defendants in an amount in excess of \$100,000.00 plus interest, costs, attorney's fees.

ZEFF LAW FIRM, LLC

*/s/*Gregg L. Zeff, Esq.
Gregg L. Zeff, Esq.
Attorney for Plaintiffs

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: Lisa Salvato
729 Bergen Street
Philadelphia, PA 19111

From: Philadelphia District Office
801 Market Street
Suite 1300
Philadelphia, PA 19107

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

530-2018-04822

Legal Unit,
Legal Technician

(215) 440-2828

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

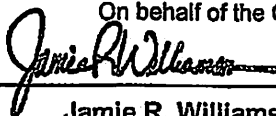
- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

On behalf of the Commission



Jamie R. Williamson,
District Director

Enclosures(s)

November 30, 2018
(Date Mailed)

cc:

Linda Busillo
Sr. Legal Assistant Supervisor
PHILADELPHIA LAW DEPARTMENT
1515 Arch Street
16th Floor
Philadelphia, PA 19102